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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VERONICA GUTIERREZ, ERIN
WALKER, and WILLIAM SMITH, as
individuals and on behalf of all others
similarly situated,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

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Attorneys for Defendant
Wells Fargo Bank, N.A.

Case No. C 07-05923-WHA (JCSx)

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE HEARING DATE**

The Honorable William H. Alsup

1 WHEREAS, on October 25, 2010, the Court issued its Order Regarding Joint
2 Recommendation on Post-Trial Issues and Proposed Judgment (Dkt. No. 497), in which the Court
3 instructed the parties to file their motions for attorneys' fees and non-cost expenses following
4 entry of judgment "within the time periods set forth in the Federal Rules of Civil Procedure and
5 any applicable Civil Local Rules";

6 WHEREAS, on November 8, 2010, Class Counsel filed their Motion for an Award
7 of Attorneys' Fees and Costs ("Motion for Attorneys' Fees and Costs") (Dkt. No. 509);

8 WHEREAS, on November 8, 2010, Defendant Wells Fargo Bank, N.A. ("Wells
9 Fargo") filed its Motion for Reimbursement of Incremental Fees and Expenses Recoverable
10 Pursuant to the Court's Orders of May 5 and 13, 2009 ("Motion for Reimbursement") (Dkt. No.
11 507);

12 WHEREAS, both Class Counsel's Motion for Attorneys' Fees and Costs and
13 Wells Fargo's Motion for Reimbursement have now been fully briefed, and are currently
14 scheduled to be heard by the Court on December 16, 2010 at 8:00 a.m.;

15 WHEREAS, due to a conflict in another matter, some Class Counsel are
16 unavailable to attend the hearing scheduled for December 16, 2010;

17 WHEREAS, on December 8, 2010, the parties filed a stipulation to continue the
18 hearing on Class Counsel's Motion for Attorneys' Fees and Costs and Wells Fargo's Motion for
19 Reimbursement until February 3, 2011 (Dkt. No. 539), which the Court denied by Order dated
20 December 10, 2010 (Dkt. No. 540);

21 WHEREAS, the Court's clerk subsequently indicated to Class Counsel that the
22 Court may continue the hearing date on the motions to a date earlier than February 3, 2011;

23 WHEREAS, pursuant to the Court's calendar guidelines, civil motions are heard
24 by the Court on Thursdays at 8:00 a.m.;

25 WHEREAS, counsel for the parties have met and conferred and determined that
26 they are available on Thursday, January 13, 2011 for a hearing on Class Counsel's Motion for
27 Attorneys' Fees and Costs and Wells Fargo's Motion for Reimbursement;

28 WHEREAS, in light of the foregoing, the parties have agreed to continue the

1 hearing date for both Class Counsel's Motion for Attorneys' Fees and Costs and Wells Fargo's
2 Motion for Reimbursement from December 16, 2010 until January 13, 2011;

3 WHEREAS, the time modification requested herein will not otherwise alter dates
4 or deadlines set by the Court;

5 WHEREAS, this Stipulation is made in good faith and not for the purpose of
6 delay,

7 IT IS HEREBY STIPULATED, by and between the parties, through their counsel
8 of record, that the hearing on Class Counsel's Motion for Attorneys' Fees and Costs and Wells
9 Fargo's Motion for Reimbursement shall be continued from December 16, 2010 until January 13,
10 2011 at 8:00 a.m.

11 IT IS SO STIPULATED.

12 Dated: December 13, 2010

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

13 By: /s/ Michael W. Sobol
14 Michael W. Sobol

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19 *Attorneys for Plaintiffs and the Class*

20 Dated: December 13, 2010

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21 By: /s/ David M. Jolley
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27 *Attorneys for Defendant Wells Fargo Bank, N.A.*
28

Pursuant to stipulation, IT IS SO ORDERED.

Dated: December 14, 2010.



The Honorable William H. Alsup
United States District Judge

I, Michael W. Sobol, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with General Order 45, section X.B., I hereby attest that concurrence in the filing of the document has been obtained from each of the other signatories.

By: /s/ Michael W. Sobol
Michael W. Sobol

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